

**Tuesday, August 23, 2005**

**Present:** Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Donna Gebicke, Administrative Assistant (Recorder)

Kate Mauck, Senior Administrative Coordinator (Recorder)

*Kate Mauck recorded the following minutes:*

**CALL TO ORDER**

The meeting was called to order at 9:05 a.m.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register. Motion carried, 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the minutes of the Commissioners' meeting of Tuesday, August 2, 2005. Motion carried, 5-0.**

**SENIOR PROPERTY TAX CAP – RESPONSE TO LETTER**

Present: John B. Norris, III, County Attorney

The Board of County Commissioners discussed a letter from St. Mary's County Treasurer Jannette Norris dated August 17, 2005, regarding concerns with the implementation of Resolution #2004-03 regarding a Property Tax Credit for Senior Citizens. House Bill #121 was passed by the General Assembly on April 26, 2005, and signed into law by Governor Ehrlich on April 26, 2005, regarding this issue. Ms. Norris reported that the bill allows for the credit to be enacted for three years, and that this year would be considered the "Base" year and the credit would then be applied to next year. Ms. Norris asked for clarification as to what "who is of limited income" means and when to allow the credit.

*Commissioners directed the County Attorney to draft a Consent Letter for their signature addressed to the Speaker of the House, with a copy to the Attorney General, seeking clarification on the "who is of limited income" statement in House Bill #121. In addition, the Department on Aging, working with the Department of Economic and Community Development, was directed to coordinate efforts in order to develop and submit a list to the Commissioners of all possible options based on median income of senior citizens, how to implement the law, and to have this list completed while awaiting a response from the Speaker of the House.*

## **COUNTY ADMINISTRATOR**

### **1. Draft Agenda for August 30, 2005 (There will be no meeting on September 6<sup>th</sup>)**

*Commissioner Raley stated that Commissioners have received the information requested earlier from RADM Gus Eggert regarding the Navy Museum, and that he would like the matter to come before the Commissioners after staff has a chance to review the information. Mr. Forrest reported that the County Attorney's office is working with RADM Gus Eggert, and a request to be on the agenda will soon be forthcoming. The matter should be placed on an agenda on August 30th or September 13th.*

### **2. Sheriff's Department**

Present: Sheriff David Zylak

Erin Shoemaker, Fiscal Manager

- a. **Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Budget Amendment to place \$2,500 in the Supplemental Reserve Accounts due to the actual award for the School Bus Safety Enforcement Grant that was received being \$15,000 instead of the budgeted amount of \$17,500. Motion carried, 5-0.**
  
- b. **Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Sheriff to sign FY 2006 Letter of Agreement for the Tobacco Use Prevention, Education, and Cessation Program with the St. Mary's County Health Department, and approve and authorize the Commissioner President to sign Budget Amendment which draws against the Supplemental Reserve for increase in program funds of \$788. Motion carried, 5-0.**
  
- c. **Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the submission of the Federal Annual Certification Report for the Federally Forfeiture Funds and authorize the Commissioner President to sign the Report and the Budget Amendment in the amount of \$52 to increase the interest on related project #US0439. Motion carried, 5-0.**

### **3. Walden Sierra, Inc.**

Present: Dr. Kathleen O'Brien, Executive Director

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Fiscal Year 2005 Revised Conditions of Award allowing reallocation of \$85,000 from Walden Sierra's Outpatient Program to Walden Sierra's Anchor Intermediate Care Facility. Motion carried, 5-0.**

### **4. Walden Sierra, Inc., Marcey House, Department of Recreation, Parks, & Community Services**

Present: Dr. Kathleen O'Brien, Executive Director, Walden Sierra

Larry Harvey, Director, Marcey House

Cynthia Brown, Community Services Division Manager, Department of RP&CS

**Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign compliance documents related to the Fiscal Year 2006 ADAA grant for Walden Sierra, Marcey House, and the Department of Recreation, Parks, and Community Services. Motion carried, 5-0.**

**5. St. Mary's County Public Schools**

Present: Dan Carney, Chief Financial Officer, St. Mary's County Public Schools

**Commissioner Jarboe moved, seconded by Commissioner Raley, to approve Fiscal Year General Fund categorical request to support the cosmetology program for the school year 2005-2006 and sign letter to the Board of Education evidencing the authorization. Motion carried, 5-0.**

**6. Department of Aging**

Present: Jennie Page, Deputy Director

Peggy Maio, Fiscal Supervisor

**a. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Memorandum of Understanding and Partnership between the College of Southern Maryland and the Department of Aging. Motion carried, 5-0.**

**b. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign two budget amendments for the "SHIP" Grant, which will set up the grant project budget in the appropriate fiscal year. Motion carried, 5-0.**

**c. Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Agreement with the Riverside Center Dinner Theater and Conference Facility. Motion carried, 5-0.**

**d. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Grant Application to the Maryland Department of Aging to provide local administration of the Medicaid Waiver for Older Adults for FY2006. Motion carried, 5-0.**

**7. Department of Public Works & Transportation**

Present: George Erichsen, Director

**a. Resolution accepting Sassafrass Drive, County Route 31359, Cypress Drive, County Route 31413, and Cherry Hill Court, County Route 31414. Located in the Wildewood Subdivision, Pepper Ridge, Section 3 and Phase 4, 3rd/8th Election Districts. Also, attaches are resolutions posting stop signs and a 25-mph speed limit.**

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign Resolution accepting Sassafrass Drive, County Route 31359, Cypress Drive, County Route 31413, and Cherry Hill Court, County Route 31414 into the County's Highway Maintenance System, and approve and sign Resolutions for the posting of stop signs and 25-mph speed limit for said roads, which are located within the 3rd/8th Election Districts. Motion carried, 5-0.**

**b. Public Works Agreement Addendum for the Riverbay Townhomes Subdivision, Section 1. Located in the 8th Election District with an expiration date of August 1, 2006. The Bond provided by the Federal Insurance Company in the amount of**

*\$50,200 has been reduced to \$10,000 based on the Department's Inspection Report dated July 11, 2003. The road included in this agreement is: Baywood Road (123') and is located within the 8th Election District.*

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Public Works Agreement Addendum for Riverbay Townhomes Subdivision, Section 1. Motion carried, 5-0.**

Also Present for item c: George Jarboe, Transportation Manager

**c. Commissioner Jarboe moved seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign FY 2006 Job Access Grant document and related Budget Amendment. Motion carried, 5-0.**

*Commissioner Jarboe stepped out of the meeting at this time.*

#### **8. Boards, Committees, and Commissions**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and sign letters for the following appointments to Boards, Committees, and Commissions. All Commissioners present voted in favor of the motion; motion carried, 4-0.**

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##### **Emergency Services Committee**

Pamela Lewis – *Primary Representative of MVRS* NO TERM

Stanley Paul Payne – *Alternate Representative of HVRS* NO TERM

Stanley J. Williams, Jr. – *Primary Representative of HVRS* NO TERM

*Commissioner Jarboe returned to the meeting at this time.*

#### **9. Department of Recreation, Parks, & Community Services**

Present: Phil Rollins, Director

Also Present for item a: Debra Pence, Museum Director

**a. Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Chesapeake Bay Gateways Network Cooperative Agreement, including Certifications, Disclosure of Lobbying Activities, and Civil Rights Assurance documents for the Piney Point Lighthouse Museum. Motion carried, 5-0.**

**b. Commissioner Raley moved, seconded by Commissioner Mattingly, to endorse the Program Open Space Community Parks and Playgrounds Program grant application for a one-mile pedestrian pathway around the perimeter of Lancaster Park, and for an off-leash dog park area, that is to be funded by non-County funds, and authorize the Commissioner President to sign the grant application. Motion carried, 5-0.**

Present for item c: Cynthia Brown, Community Services Division Manager

Kelsey Bush, Youth Coordinator

**c. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Memorandum of Agreement with the Corporation for National and Community Service for the assignment of AmeriCorps\*VISTA volunteers to the Division of Community Services. Motion carried, 5-0.**

#### 10. Health Department

Present: Joyce Sapp, Fiscal Services Officer, Health Department

**Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the State of Maryland's Core Public Health Services Funding Agreement. Motion carried, 5-0.**

#### ST. MARY'S COUNTY HEALTH DEPARTMENT: PROPOSED ORDINANCE TO ADJUST ENVIRONMENTAL HEALTH FEES

Present: Daryl Calvano, Environmental Health Officer

John B. Norris, III, County Attorney

An Ordinance was presented for discussion and consideration regarding adoption of proposed Environmental Health Fees. A public hearing on the matter was conducted on August 2, 2005, and it was reported that no public comments have been received regarding the matter. Discussion took place regarding concerns for raising some of the fees, and a proposal was made to adjust the fees on a gradual basis. Staff pointed out that the fees proposed in the draft Ordinance would allow the Health Department to cover the actual costs involved.

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and sign the Ordinance for the purpose of establishing certain fees to defray the cost of certain services performed by the St. Mary's County Health Department. Commissioner Raley and Commissioner President McKay abstained from the motion; all others voted in favor. Motion carried, 3-0.**

#### SOUTHERN MARYLAND AGRICULTURAL DEVELOPMENT COMMISSION/TRI-COUNTY COUNCIL OF SOUTHERN MARYLAND: UPDDATE ON AGRICULTURAL DEVELOPMENT PROGRAMS

Present: Dr. Christine Bergmark, Director, So. Md. Agricultural Development Commission

Donna Sasscer, Agriculture Development Manager

Dr. Bergmark presented an update on the agricultural development programs in the region, including a Power Point presentation on the Five-Year Highlights of the Commission. A July 2005 document outlining key accomplishments for the Southern Maryland Tobacco Crop Conversion Program was presented. Commissioners were invited to attend an October 8, 2005, Southern Maryland Trails event. Additional information regarding the event can be obtained at [www.somdtrails.com](http://www.somdtrails.com). Commissioners directed Dr. Bergmark to look at the following:

- *Alternatives that would help farmers produce products that would create higher profits and/or meet customer need, i.e. organic products and greenhouses during the winter season, etc.;*
- *Direct funding toward developing ways to provide assistance to farmers that need help during any product transition period so that they might offset losses;*
- *Continue to focus an emphasis on developing the markets that farmers decide to get into, as they need to be able to develop and market the product;*

- *Over the next five years, try to find the markets necessary to help farmers succeed; and*
- *Work on eliminating and/or relieving roadblocks and bureaucracy, and/or help farmers work through them.*

Mr. Canavan reported that Right to Farm Legislation would be brought to the Commissioners, and that the Planning Commission recently reviewed the change to the Zoning Ordinance as relate to recent legislation.

Discussion ensued on a proposed grain export facility. Commissioner Mattingly reported that the Executive Director of the Port Authority will be working with Donna Sasscer to get on the Commissioners' agenda, most likely in November, in order to meet with them, tour the community, see some of the proposed sites, and also to hear from people in the community. Commissioner President McKay reported that a wine growers cooperative in Southern Maryland will be coming before the Town of Leonardtown in order to seek permission to establish a winery at the old state highway garage.

#### **DEPARTMENTS OF RECREATION & PARKS AND LAND USE & GROWTH MANAGEMENT: PRESENTATION OF DRAFT MYRTLE POINT PARK MASTER PLAN**

Present: Phil Rollins, Director, Recreation, Parks, and Community Services

Sue Vieth, Environmental Planner, Department of Land Use and Growth Management

The Department of Recreation, Parks, & Community Services and the Department of Land Use and Growth Management presented a draft Myrtle Point Park Master Plan for consideration, along with a request for direction. The project has been programmed into the County's Capital Improvement budget for FY2010 and FY2011 for funding totaling \$750,000 for design, engineering, and initial park development.

The plan was presented to the Recreation and Parks Board during their meeting of May 5, 2005. Approximately 25 citizens attended the public presentation of the draft plan and provided positive feedback, suggestions, and support for the concept of a nature park. The Recreation and Parks Board concurred with the Master Plan concept and officially endorsed the plan at its meeting of June 2, 2005. In addition, the plan received a favorable response from the Planning Commission during staff's presentation of June 13, 2005, and it is anticipated that the Planning Commission will provide comments on the draft plan in the near future.

The draft Master Plan included 192 acres of property on the Patuxent River, and historical data regarding the property was outlined. Details regarding the following was presented: existing conditions, land use, habitats, forest type, dwelling species, topography, soils, wetlands, historic easements, trails, constraints, nature park program elements, community workshop results, vision

workshop analysis and synthesis, and the conceptual Master Plan. Considerations, opportunities, and issues were discussed, and Commissioners provided the following direction:

- *Look into the possibility for better access, i.e. closer parking, to the large sandy beach by citizens, so families do not have to haul many items for a lengthy distance;*
- *Have the Plan put into final form, and bring back to the Commissioners in early October, so that it is substantially ready before the State Capital Budget Process begins; and*
- *Commissioners were asked to contact Mr. Rollins and/or Ms. Vieth to discuss any issues regarding the Plan that may be of concern.*

#### **COMMISSIONERS' TIME**

##### Commissioner Dement

Apologized for not being able to attend the 22nd Annual Sheriff's Night Out, due to other commitments. Reported that he understood that it was very well attended.

Attended the St. Mary's County Government Employees Association picnic, which was a very nice affair.

Dropped by the Beach Party on the Square in Leonardtown.

Stopped into the First Annual St. Mary's County Agriculture Land Preservation Picnic, and saw Donna Sasscer, as well as many other people there. Joe and Mary Wood at Forest Hall Farm hosted the event.

Reported that all the Commissioners attended the Annual Fire/Rescue Appreciation Day, which recognized the many volunteers that serve the citizens of the County.

Attended the Advanced Life Support Unit Installation of Officers at the Harry Lundeberg School.

Attended An Afternoon in the Park event that was held at Chancellor's Run Regional Park. Outlined the event, which provided information on youth and adults working together involving community prevention and treatment programs. Recognized Gwen Bankins for the valuable work she does volunteering in many such efforts, as well as many other citizens throughout the County that give of their time.

Reported on the First Sta-Bil National Lawn Mower Racing to benefit the Seventh District Volunteer Rescue Squad Building Fund at the Bowles Farm in Clements. There was a large crowd of people at the event, with many of them from a variety of places throughout the United States. The event proved to be a great deal of fun.

Presented a proclamation on behalf of the Commissioners to Terry Starr upon the event of his retirement from the Naval Base.

Welcomed Kate Mauck back to work, after her recovery from surgery.

Expressed best wishes to Commissioner McKay's father, after a recent setback in his health.

#### Commissioner Mattingly

Thanked staff for the hard work involving the recent Fire and Rescue Appreciation Day. Reported that the Public Information Office, the Department of Recreation, Parks, and Community Services, and numerous non-profit organizations, as well as volunteers help to support this event. The weather was quite warm, but there was a nice breeze on the lawn of the Governmental Center.

Stated that he agreed wholeheartedly with Commissioner Dement that the Lawn Mower Racing event recently held proved to be a great deal of fun. Reported that he spoke with Ronnie Mattingly of the Rescue Squad after the event, and learned that there has been an offer to have the national event televised next year by ESPN, and that it may become a major sporting event, with more than 200 tractors involved.

Expressed congratulations to the ALS group for their great service to the community for another year.

Thanked staff for their excellent efforts at making a successful booth at the MACo Convention in Ocean City. It proved to be very productive, and well worth the effort. Reported that the winter MACo Conference would be held in Cambridge, Maryland, in January 2006.

#### Commissioner Jarboe

Reported that about a year ago, as a result of a letter from a citizen, the County passed a Resolution establishing "No Shoulder" signs on Golden Beach Road, which has proven to be very effective, and has eliminated about 90% of the problem. Stated that an additional problem has developed due to a large truck that has been parked for about three months along the shoulder of the road. It has proven to be very hazardous, and the Sheriff's Department has no authority by law to enforce the movement of the truck. Therefore, *Commissioner Jarboe asked the Department of Public Works to draft a Resolution for a "No Parking" law on the shoulders of Golden Beach Road. He already spoke with George Erichsen, and he will be drafting the Resolution to bring to the table.*

Staff was directed to draft a Resolution for Commissioners to consider regarding homeowners placing "boots" on illegally parked vehicles in the Golden Beach subdivision, where citizens are parking in order to utilize the private beach. It was reported that, at the present time, the State's Attorney's Office and the Sheriff's Department have conflicting views on the enforcement of this issue.

Commissioner Raley

No comments at this time.

Commissioner President McKay

Reported that the Maryland Association of Counties meeting last week provided great opportunities to learn solutions to some of the same problems that this County currently deals with. Staff did a great job greeting and providing information at the booths. In addition to our staff, the Charlotte Hall Veteran's home had a booth. Fred Sawyer was present and had much information to share.

Reported that he attended a presentation in Calvert County last Tuesday put on by the Maryland Department of Economic and Community Development, along with State legislators from Calvert County, the Tri-County Council, and all five Calvert Commissioners. The presentation was on Nu-Start, a company enlisted by the Department of Energy, and information was outlined on the process for getting a license for a new nuclear power plant. Details regarding the need for additional plants in the United States were presented, and Calvert Cliffs has been selected as one of six finalists for a

plant. Commissioner President McKay outlined the benefits that would accompany a new plant in the region, and reported that St. Mary's County would continue to work to bring additional financial benefits, especially as they relate to infrastructure needs for this County.

Reported that Ms. Adela Acosta, the new Director of Intergovernmental Relations, Office of the Governor, will be visiting the County this Thursday, and each Commissioner should have received the schedule for her visit. Invited each of the Commissioners to attend the event, and to help in welcoming her to St. Mary's County.

Stated that this Thursday at 8:00 a.m., a Town Hall Meeting will be held at Courtney's Restaurant in Ridge regarding the Eastern Oyster. Discussion will include a recommendation that the Eastern Oyster be placed on the threatened species list. The event is being organized by local seafood watermen, and will be aired by Japanese public television. Commissioner McKay outlined the reasons for this. Reported that he would be at the event, and that all the Commissioners are invited to attend.

Reported that the Commissioners will be at St. Mary's Square this afternoon at 3:00 p.m. in order to meet the new owner and to listen to plans for the redevelopment of St. Mary's Square, which is located within the revitalization area. Revitalization of the shopping center is good news for the County indeed.

Reported that Executive Sessions on two matters are proposed to be held this afternoon; the first could be held immediately, if it pleases the Board; and the second is proposed to be held at the Community Development Corporation after the conclusion of the St. Mary's Square visit.

**VOTE TO MOVE INTO EXECUTIVE SESSION**

**Commissioner Raley moved, seconded by Commissioner Dement, to meet in Executive Session to discuss matters of Litigation and Real Property, as provided for in Article 24, Sections 4-210(a) 8 and 11, respectively. Commissioner Mattingly abstained from the motion; all others voted in favor. Motion carried, 4-0.**

**CABLE CHANNEL CHANGE**

Present: Bob Kelly, IT Director

It was reported that GMP Cable TV will be changing the broadcast channel for County Government from Channel 12 to Channel 95. Commissioners commented that this would be a huge disservice to the citizens of the county. The reasons for changing the channel were discussed, and Commissioners expressed disappointment that they were not notified earlier in the form of a courtesy letter. Mr. Forrest reported that the company stated that the notification took place in the form of customer billing for two months. Staff reported that GMP needs to advertise the channel change to the public via a notification. The following action was determined:

- *Mr. Forrest stated that he would report back to the Commissioners on why the County did not receive the proper appropriate notification, as required by contract;*
- *Address the problem of older citizens with older televisions that do not have channels that go as high as Channel 95; and*
- *Change the advertisement that is currently on Channel 12 that indicates today's broadcast would be on Channel 95, since the change has not yet taken place.*

In addition, it was reported that the name of GMP Cable TV would be changing to MetroCast Communications, and that the channel lineup change is supposed to occur on Tuesday, September 6th, 2005.

*Donna Gebicke recorded the remaining minutes:*

#### **EXECUTIVE SESSION**

#### **Litigation**

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

NOT IN ATTENDANCE: Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

Elaine Kramer, Chief Financial Officer

Carol Gallagher, Procurement Manager

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 12:55 – 1:25 pm

Action Taken: The Commissioners discussed litigation matter.

#### **REVITALIZATION UPDATE: ST. MARY'S SQUARE**

The Commissioners visited St. Mary's Square Shopping Center in Lexington Park to receive an update from the new owner on revitalization efforts for the shopping center.

**EXECUTIVE SESSION** *(held at the Community Development Corporation, 21783 North Coral, Lexington Park)*

**Real Property**

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John Norris, County Attorney

John Savich, Director, Economic & Community Development

Phil Rollins, Director, Recreation, Parks & Community Services

Robin Finnacom, Exec. Director, Community Development Corporation

Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:10 pm - 5:46 pm

Action Taken: The Commissioners discussed a real property matter.

**ACTION FROM EXECUTIVE SESSION TAKEN IN OPEN SESSION**

**Commissioner Raley moved, seconded by Commissioner Mattingly, to direct staff to proceed as discussed in Executive Session relative to real property. Motion carried 5-0.**

**ADJOURNMENT**

The meeting adjourned at 5:50 p.m.

Minutes Approved by the Board of County Commissioners on \_\_\_\_\_

\_\_\_\_\_

Kate Mauck, Senior Administrative Coordinator